

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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United State District Court
for the
Western District of Louisiana

Division ALEXANDRIA DIVISION

Plaintiff:

Robert C. Paul

Case No. 1:17-cv-0949

JURY TRIAL DEMANDED [Yes]

-v-

Defendants: Four

Christus St. Francis Cabrini Hospital,

Nancy Hellyer, CEO, and

Dr. Anthony Pruitt, ER Doctor

The State of Louisiana, Governor,

Jon Bel Edwards,

Commissioner of Administration,

Jay Dardene,

Medical Review Panel

COMPLAINT FOR A CIVIL CASE

I. The Parties to this Complaint

A. The Plaintiff

Robert C. Paul
2420 Vance Ave.
Alexandria, LA 71301
318-229-2459
raptor.1.robert@gmail.com

B. The Defendants

1. Christus St. Francis Cabrini Hospital
CEO Nancy Hellyer and Dr. Anthony Pruett, ER Doctor
3330 Masonic Drive
Alexanndria, LA 71301
318-448-6700
2. The State of Louisiana,
The Honorable Jon Bel Edwards
900 N 3rd Street, # 4
Baton Rouge, LA 70802
225-342-7015
3. Division of Administration,
Commissioner of Administration
Jay Dardene, Commissioner
Medical Review Panel
1201 N. 3rd Street, 7th Floor, Suite 230
Baton Rouge, LA 7080
225-342-7600

II. Basis for Jurisdiction

A. If the Basis for Jurisdiction Is a Federal Question

1. Civil Rights Violations under U. S. Code Annotated, 42 Sec 1983 Civil Rights.
Laws have been passed in Louisiana to effectively deny me access to the Judicial Court System plus should I file independently Pro Se then the Medical Review Panel whose sole purpose is to PROTECT the Elitist Groups of Doctor's and Hospital's from Lawsuits, which I am certain it will find its standard loopholes and devices in Laws to insure that they can Deny the Lawsuit regardless of the validity of the claim. Over the past 42 years the various Medical Review Panels have denied upwards of 92 to 94 % of all cases filed via Protectionist Laws so creating an "Elitist Class" of Doctors and Hospitals that know they will be protected from nearly every Medical Malpractice, Medical Negligence, Intentionally Fraudulent Wrong Diagnoses, and even pure Dumping of Patients. These are Civil Rights Violations under U. S. Code 42 Sec 1983, Civil Rights Act of

1964 pages 60-63 under Disparate Treatment, which is applicable and which by definition states: "Disparate; essentially different in kind; not allowing comparison, containing elements very different from one another; things so unlike that there is no basis for comparison." This is what has evolved over 42 years of extremely egregious Protectionism to Doctors and Hospitals such that an "Elitist Group" has been developed that has put themselves essentially 'Above the Law': A Double Standard of Law: One standard for 'Elitist' and another altogether different set of Laws for us ordinary people that these 'Elitsits' know they can harm and get away with almost any crime. Members of this equally 'Elitist Medical Review Panel' actually have bragged about their denial quotient of 92 to 94 % rejection The precise number of Lawsuits files and % of rejections can easily be determined in the Discovery Process. These Doctor's and Hospital's have been getting away with everything from Maiming a patient, Disfiguring a patient, and in some cases actually 'Killing For Profit': That did not happen to me but it has happened many times and Doctors have gotten away with these homicides. It will continue to happen so long as they are a "Protected Class of Elitist Professionals" It is why these Doctors and Hospitals should have this gross and extremely egregious set of Protectionist Laws removed so they cannot ever hide from their responsibility to provide quality, real and honorable Health Care to Patients again.

III. Statement of Claim

Plaintiff, Robert C. Paul, did fall off his Trek bike on July 22, 2014 in the Kroger Parking lot by striking a Blue car curb that had been Blue and blended in with the blacktop such that they are extremely difficult to see in the dim light at 10:15PM, which is the approximate time of the accident. I knew I had been hurt very badly. I had a person call an ambulance; I could barely get the words out or make myself understood. From the time the ambulance arrived to the time they got me to Cabrini Hospital almost an hour had passed. The Cabrini ER records show me in at 11:10PM. Cabrini supposedly took X-Rays of my shoulder and clavicle areas. The ER Doctor is listed as Anthony Pruett, MD. Whoever read the X-Rays and made the report that Dr. Pruett signed has to be a blind person to have been unable to determine that I had a severely badly broken Clavicle about midway. Dr. Pruett ignored what I had told him and ignored the completely broken clavicle with separation of the the Sterno-clavicular half of the broken clavicle elevated approximately 25-30 % above the rather level position of the right shoulder attached side of the clavicle. Dr. Pruett's summary is what he told me as he was dismissing (Dumping) me from Cabrini Hospital: He told me. "You have a very bad contusion but no broken bone". Every part of his Medical Report says that same thing, which is a big piece of FRAUD, as phony as the proverbial " \$3.00 Dollar Bill". That is how

I got "Dumped" on July 23, 2014 at 3:29AM with no treatment beyond a pain shot of TORADOL IMJ and an injection of Ketorolac INJ whatever that medication is? Absolutely everything I have researched has said that clavicle should have been surgically repaired immediately. I have reports to back that statement up. I contacted my Primary care physician and she examined my shoulder and clavicle pretty good. I told her what the ER Doctor had told me---"that I had a very bad contusion but no broken bone": Complete, undeniable false statement. Regrettably, Dr. Thomas did not allow me an emergency opening to see her to try and rectify the wrong done to me. I had to wait (5) days to see her in which time the body is pumping out massive amount of bone cells to repair the damage. She made me an appointment with Mid-State Orthopedic and Sports Medicine for X-Rays plus I believe an MRI. I tried in vain to get Mid-State Orthopedic and Sports Medicine to see me sooner in an emergency case because I feared something dramatically wrong. I was correct. They did not see me until an additional 17 days (2 1/3 weeks) and collectively over 3 weeks had passed with more and more bone cells pouring out to do repairs. When I had the chance to view their X-Rays I knew Cabrini had done an extremely egregious false diagnosis on me. Yes, I was mad. Yes, I am still mad. Yes, I was Maimed, Disfigured, and unable to do many things that I could still have been able to do had they done their job correctly on July 22 to 23, 2014. The repairs needed now, and the cost to do that "Reconstruction, the Recovery Process, and the Rehab Process", plus all the Emotional Grief they have done to me is enormous in both financial terms, in the cost of the reconstruction of both the clavicle and the shoulder damage from that accident. And, there is the enormous pain and stress they have caused me over the past nearly 3 years. There are so many things I cannot do now that have created additional expenses on me personally as well as things I truly do enjoy doing that I cannot do until I can get the real reconstruction done. Yes, Doctors and Hospitals that do these horrible acts of hypocrisy and fraud should be penalized harshly both in terms of Financial Punitive Damages and especially Censure of their License by the Medical Examiners that License them to operate. This is why I have included in this Lawsuit, the State of Louisiana and the Medical Review Panel, which both entities hide under "Immunities to Prosecution" that they should not have.

If you never teach a child Right from Wrong and that they can get away with any wrong doing, then that child grows up usually feeling he/she is literally entitled to do "anything" because 'nothing' they do is wrong. If you have a dog that digs holes in your yard and you never punish him nor teach him that that is a big No-No then the dog will continue to dig holes (same goes for 'Elitist Doctors and Hospitals' too). If you have a landscape business with plants in your backyard, and you have a big dog (Doberman) that gets into them and tears them up slinging them around like a toy and you do not teach him not to do that then he keeps destroying your plants, which represent \$\$\$ Money to you as my Doberman once did, you will teach him not to do that behavior. He

got a fairly harsh lesson on what not to do and he quit that immediately: Never a problem again. That Dobe got so much loving he did not like punishment at all. He also did not like the spanking he got. That is the problem you have with Louisiana's Severe Protectionist Laws that have created this ABOMINABLE Medical Review Panel, which has taught these ""grown men"" they can get away with almost anything up to and including "Killing For Profit" (Attorneys have told me that is going on in Louisiana too) as was done to my Mother by a Doctor in Florida: Homicide has no Statute of Limitations. I have had first-hand experience at your Protectionist Laws in Louisiana and the ones in Florida too. I apologize for the length but to make my point crystal clear, this is what it took. I grew up with 100% Trust in doctors; now I am down to about 20 % or less Trust in Doctors and Hospitals. I do not know what it will take to get the attitude of Honorable and Responsibility back into these Medical Profession's but granting them "mass immunity" is definitely not the answer; neither is making them an 'Elitist Protected Class'. Only an arrogant Doctor and Hospital used to such Protectionism would do the damage to me that Cabrini Hospital and their ER Doctor Pruett did to me. Who is reading their X-Rays is beyond me; (1) maybe blind people; (2) maybe real Animal Planet and BBC Planet Earth Chimpanzees. No ordinary citizen with reasonably decent eyesight would see no "Broken Bone" as Dr. Pruett stated. All he saw was a "very bad contusion". Should he be practicing medicine? Would you at the Medical Review Panel want such a Doctor diagnosing one of your children with a broken bone and tell you that your child only has a very bad contusion? Of course not, but you allow such to go on toward other patients, to us ordinary citizens.

IV. Relief

- A. 100% full cost of Reconstruction to the Clavicle, and the Right Shoulder Ligaments and muscles as can be done, and that this Reconstruction Surgery be done at a highly capable and trustworthy Hospital with impeccable trustworthy credentials, which Cabrini Hospital does not have.
- B. Things I cannot do presently;
 1. I cannot shoot a gun off my right shoulder as in hunting, which I have enjoyed all my life. The 'kick' hurts. All my life I have used a specific 12G Model 12 Winchester full choke pump shotgun that I can shoot as fast as anyone with an automatic. And the gun will get out into God's country to bring down game. I cannot now do that. Once I held up that heavy weight Winchester 12 G out like a pistol braced into my right elbow area while hanging onto a tree to cross a slough and shooting a Wood Duck that was racing down the slough: Got him too.
 2. I cannot pull the cord on a typical self-propelled walk behind bagger mower so I now have someone cut my lawn. Neither can I lift a small mower into the back of

my pickup. I can lift some small stuff but most of that has been shifted to my left arm.

3. I had plans to get back to working out swimming as I used to do before this accident. I cannot effectively use that right arm in that manner anymore.
4. I have continual pain in both my right shoulder and in the Sterno-Clavicular Joint with literal noise of "Snap-Crackle-Pop" because the joint is so out of whack. misaligned.
5. I have ligaments in my right shoulder that slip out of their grooves all the time. It is painful when this happens. The biceps tendon is now damaged and rotator cuff muscles are damaged.
6. The whole cost of damages at this moment I cannot determine precisely. I need to work up these amounts. I can tell you I sincerely believe the Reconstruction, Recovery and Rehabilitation expenses will be enormous. I cannot put a dollar figure on loss of some simple pleasures as a walk in the woods hunting when I cannot hold a gun to that shoulder now to shoot.
7. I had to sell my land, 9.2 Acres in Grant Parish in order to buy a truck because I could not ride my Trek bike for a long time after the accident and the "Broken Bone" that Christus St. Francis Cabrini refused to repair, that they claim was just "a very bad contusion"; plus, I now had fear of falling on this badly damaged shoulder and clavicle. Had that surgery been done that night or the next day or so after an Orthopedic surgeon had looked at it and done the necessary work, I would never have sold that land. It meant a lot to me. I would put a fair and reasonable price cost on getting that land or a comparable acreage restored to me.
8. I also took a trip to see an Orthopedic Surgeon I do trust in Pensacola, FL in Jan., 2015, which was costly. He told me he could more easily have repaired it had I gotten to him right after the accident. He had done excellent rotator cuff repair and biceps tendon repair on my left shoulder so I trust him for that. That trip cost me right at \$1000 Dollars with medical co-pays, the trip's gas cost, the motel cost and eating out.
9. Punitive Damages should be at least One Million Dollars. No better lesson can be taught to those that do Medical Negligence intentionally than to get into their profit wallet. That is as good a teacher to these "Elitist Groups" as a spanking to a Doberman to get him to stop killing my plants. You are not doing them nor abused patients any good by giving them the outrageous "Protections" you do.

V. Certification and Closing

Under federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, Information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase

the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: July 21, 2017
Signature of Plaintiff Robert C. Paul

Printed Name of Plaintiff Robert C. Paul

B. For Attorneys (not applicable at this time)